

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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BARBARA WITCHARD,

Plaintiff,

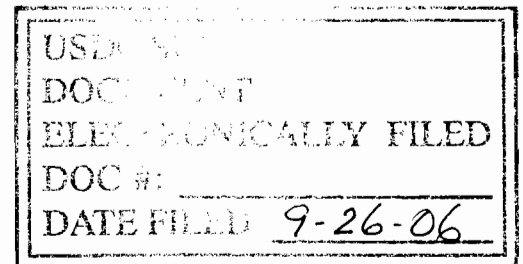
-v-

MONTEFIORE MEDICAL CENTER and 1199  
SERVICE EMPLOYEES INTERNATIONAL  
UNION,

Defendants.  
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05 Civ. **5957** (JSR)

ORDER



JED S. RAKOFF, U.S.D.J.

On October 31, 2005, the Honorable Theodore H. Katz, United States Magistrate Judge, issued a Report and Recommendation ("Report") in the above-captioned case recommending: (i) that the motion for summary judgment of defendant Montefiore Medical Center ("Montefiore") be denied in all respects; and (ii) that the motion to dismiss of defendant 1199 Service Employees International Union (the "Union") be granted in full on the grounds that plaintiff's claims are barred by the doctrine of res judicata. The recommendation, if adopted, would result in the dismissal of plaintiff's claims against the Union with prejudice.

After the Report issued, plaintiff submitted an affidavit in opposition to the Report on August 4, 2006, to which the Union responded on August 18, 2006. Having considered defendant's motion to dismiss de novo, the Court finds itself in total agreement with the reasoning set forth in the Report, which the Court hereby adopts by reference. Accordingly, (i) defendant Montefiore's motion for summary judgment is denied in all respects, and (ii) the Union's

motion to dismiss is hereby granted and the plaintiff's claims against the Union are hereby dismissed with prejudice. Clerk to enter judgment.

SO ORDERED.

A handwritten signature in black ink, appearing to read "JED S. RAKOFF", is written over a horizontal line.

JED S. RAKOFF, U.S.D.J.

Dated: New York, New York  
September 26, 2006